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## Chris Smalls: 5 Fast Facts You Need to Know

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Updated May 1, 2020 at 1:32am



Gotty

Amazon employees hold a protest and walkout over conditions at the company's Staten Island distribution facility.

Chris Smalls is a former management assistant at an Amazon warehouse in Staten Island, New York (<https://heavy.com/tag/new-york/>), who was fired after he and other employees walked out to protest the company's handling of coronavirus.

Since then, New York Attorney General Letitia James has written a letter suggesting Amazon may have violated federal safety standards with 'inadequate' coronavirus prevention measures, according to NPR (<https://www.npr.org/2020/04/27/846438983/amazon-warehouse-safety-inadequate-n-y-attorney-general-s-office-says>).



Smalls, 31, said his firing is an act of retaliation from Amazon, while Amazon said he consistently violated social distancing rules and was fired to maintain safety during the coronavirus pandemic (<https://heavy.com/news/2020/02/coronavirus-covid-19-cases-deaths-updates/>).

In a statement (<https://ag.ny.gov/press-release/2020/ag-james-statement-firing-amazon-worker-who-organized-walkout>) and a tweet (<https://twitter.com/NewYorkStateAG/status/1244810606613577728>), James called Smalls' termination disgraceful and suggested the National Labor Relations Board investigate the incident.

Here's what you need to know:

### 1. Smalls Organized a Strike at JFK8, an Amazon Warehouse







Getty

The strike by Amazon warehouse workers was held on March 30, 2020.

Chris Smalls left work the second week in March due to health concerns, but he returned to encourage his fellow employees to organize a strike against what he described as poor working conditions.

He walked out JFK8 (<https://nypost.com/2020/04/06/amazon-faces-another-staten-island-warehouse-strike/>), an Amazon warehouse located 546 Gulf Ave. in Staten Island around noon. He was joined by several fellow employees who were all asking Amazon to close the building and thoroughly sanitize it.

The number of employees who joined him on strike is disputed. Smalls said he rallied around 50 of the facility's roughly 4,500 employees, while Amazon said there were only about 15.

## 2. Smalls Was Fired After Five Years at Amazon



**Christian Smalls** @Shut\_downAmazon · Apr 16, 2020  
 I'm so excited to announce to everyone who supported that we have reached our goal and I will immediately pay my colleagues this week for the unpaid time on behalf of all of us THANK YOU

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In an interview with CNBC (<https://www.cnbc.com/2020/03/30/amazon-fires-staten-island-coronavirus-strike-leader-chris-smalls.html>), Smalls said he was fired at 4:30 p.m., just hours after the strike.

In a statement (<https://www.cnbc.com/2020/03/30/amazon-fires-staten-island-coronavirus-strike-leader-chris-smalls.html>), Amazon said they fired Smalls because he was found to be in close contact with an associate who tested positive with COVID-19 and was asked to quarantine himself. When he returned for the strike, Amazon said he violated the quarantine request and was terminated for putting other workers' safety at risk.

Smalls said he spoke to the colleague in question for two to five minutes before sending her home, but claims Amazon sent her back to work. Smalls also said he was never told not to come to work and had returned to work several times off-the-clock to act as a go-between for management and employees.

According to The Verge (<https://www.theverge.com/2020/3/30/21199942/amazon-warehouse-coronavirus-covid-new-york-protest-walkout>), the first recorded case of a worker testing positive for COVID-19 at JFK8 was March 12, but many employees said they learned days or weeks later.

### 3. JFK8 is One of Staten Island's Largest Employers



Getty

A truck is seen outside the Amazon warehouse in Staten Island.

Smalls has worked at three different buildings in the New York tri-state area in the past five years, and he was making \$25 an hour when he was fired.

Smalls, a father of three, told CNBC (<https://www.cnbc.com/2020/03/30/amazon-fires-staten-island-coronavirus-strike-leader-chris-smalls.html>), "It's not about money for me. This is about human life, life or death."

Smalls' protest was supported by various New York non-profit advocacy groups, such as Make the Road New York and New York Communities for Change.

Make the Road New York (<https://maketheroadny.org/>) is a progressive advocacy group led by Co-Executive Directors Javier H. Valdes and Deborah L. Axt which focuses on labor and immigration rights.

New York Communities for Change (<https://www.nycommunities.org/>) is a grassroots progressive advocacy group focused on changing economic policy. The organization released a tweet Monday night in support of Smalls after his firing.



#### 4. Smalls Said Amazon Workers Are Afraid of Their Lives, Afraid for Their Families' Lives'



Getty

An Amazon workers on demanding that the facility be shut down and cleaned after one staffer tested positive for the coronavirus.

In an interview with CNBC (<https://www.cnbc.com/2020/03/30/amazon-fires-staten-island-coronavirus-strike-leader-chris-smalls.html>), Smalls said Amazon employees "are afraid for their lives, afraid for their families' lives ... I don't want to work for a company that doesn't take care of their people and Amazon has dropped the ball on that."

Smalls is part of a growing number of Amazon employees putting the company under scrutiny for its handling of the pandemic at various warehouses.

In March, Amazonians United NYC released a petition (<https://medium.com/@amazoniansunitednyc/we-amazon-workers-demand-coronavirus-protections-16f28ad8b15f>) which now has over 4,500 signatures from Amazon employees around the world demanding the company provide paid sick leave to employees with and without positive COVID-19 diagnosis.

Amazon has said it has taken several actions to defend against the spread of the disease, including staggering schedules to maintain social distancing and eliminating stand-up meetings.

After an Amazon employee tested positive at a warehouse (<https://www.theatlantic.com/health/archive/2020/03/amazon-warehouse-employee-has-coronavirus/608341/>) in Queens, New York, the warehouse was shut down for a thorough cleaning.

#### 5. Staten Island Was Hit Hard by Coronavirus



Getty

A sign thanking medical workers outside of Staten Island University Hospital.

New York City has been the epicenter of coronavirus-related deaths in the U.S., with people dead, acco (<https://nypost.com/2020/03/30/nyc-sees-a-coronavirus-death-every-2-9-minutes-in-horrific-six-hour-stretch/>)rding to the New York Post.

At one point, Staten Island, a borough in New York City, set a record two days in a row for the most deaths in a 24-hour period: 27 Staten Islanders died over a weekend after being diagnosed with the disease, based on reporting from the Staten Island Advance (<https://www.silive.com/coronavirus/2020/03/staten-island-hits-new-single-day-high-in-coronavirus-death-total.html>).

There were more than 18,000 deaths in the state of New York as of May 1st, according to the New York State Department of Health (<https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Fatalities?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n>).

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# Striking Amazon Worker Fired For 'Putting The Teams At Risk,' Employees Protect Workers' Lives

(/users/shivdeep-dhaliwal)

Shivdeep Dhaliwal (/users/shivdeep-dhaliwal), Benzinga Staff Writer

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A worker who organized a strike on Monday at **Amazon Inc.'s** ▲ AMZN 0.37% (<https://benzinga.com/stock/amzn#NASDAQ>) Staten Island facility has been fired (<https://www.cnbc.com/2020/03/30/amazon-fires-staten-island-coronavirus-strike-leader-chris-smalls.html>) against Covid-19 infection.

## What Happened

Chris Smalls, a warehouse employee, was fired after the company gave him multiple warnings for "violating social distancing guidelines," reported by CNBC.

Smalls, along with other Amazon employees, organized a walkout on Monday (<https://www.benzinga.com/news/20/03/15690860/amazon-warehouse-protest-lack-of-coronavirus-protection>). The activists said nearly 50 employees had participated in the action. The workers were asking for the closure of the facility after an employee tested positive for COVID-19. Amazon said less than 15 workers had participated in the action.

In a statement carried by CNBC, Smalls expressed his outrage, "Amazon would rather fire workers than face up to its total failure to do what it can to keep its communities safe."

An Amazon spokesperson claimed that even though Smalls was instructed to stay home with pay, he came onsite Monday. The spokesperson said the company has terminated his employment as a result of these multiple safety issues.

Smalls claims that he did not breach any quarantine guidelines. In an interview with CNBC, he admitted that he had been in contact with a colleague who tested positive for COVID-19. Alleging that he was being victimized for speaking out, Smalls emphasized that all he had asked for was a "simple building closure" after one

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Amazon warehouse workers are not unionized (<https://www.benzinga.com/news/20/03/15696234/todays-pickup-amazon-instacart-workers-wa>) although the Retail, Wholesale and Department Store Union is making an effort to bring them onboard.

The Staten Island facility is not the only location where an Amazon employee has tested positive for COVID-19, another New York location has

Delivery workers from other companies are also clamoring for more protective measures. Gig-workers at Instacart are ready to strike (<https://www.benzinga.com/news/22/03/instacart-employees-ready-to-strike-after-insulting-proposal>) after rejecting proposals made by the company as “insulting” and a “sick joke.”

Instacart employees are asking the same-day grocery delivery company to increase their pay by \$5 per order and to default the in-app tip to a company’s offer amounted to hand sanitizer within a week, a default tip amount based on prior orders and a fixed bonus of \$25-\$100 instead of

According to the Governor of New York, as of Monday (<https://www.governor.ny.gov/news/amid-ongoing-covid-19-pandemic-governor-cuomo-announces-plan>), the statewide total of those infected stood at 66,497, out of which 37,453 are in New York City.

## Price Action

Amazon shares traded 0.20% lower at \$1,960 in the after hours session on Monday. The shares had closed the regular session 3.36% higher :

*Photo Credit: Courtesy of Christian Smalls' Twitter.*

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clickID=GiD88f111z1kZ5lMZ5\_ot9rS4aGxLOOZUs2qZ5\_1SDcs0ko8aG6qMD0s\_nxAQ&campaignID=7033531&pubID=1213551&adID=24\_2553171&ts=2021-04-29+23%3A14%\_114&

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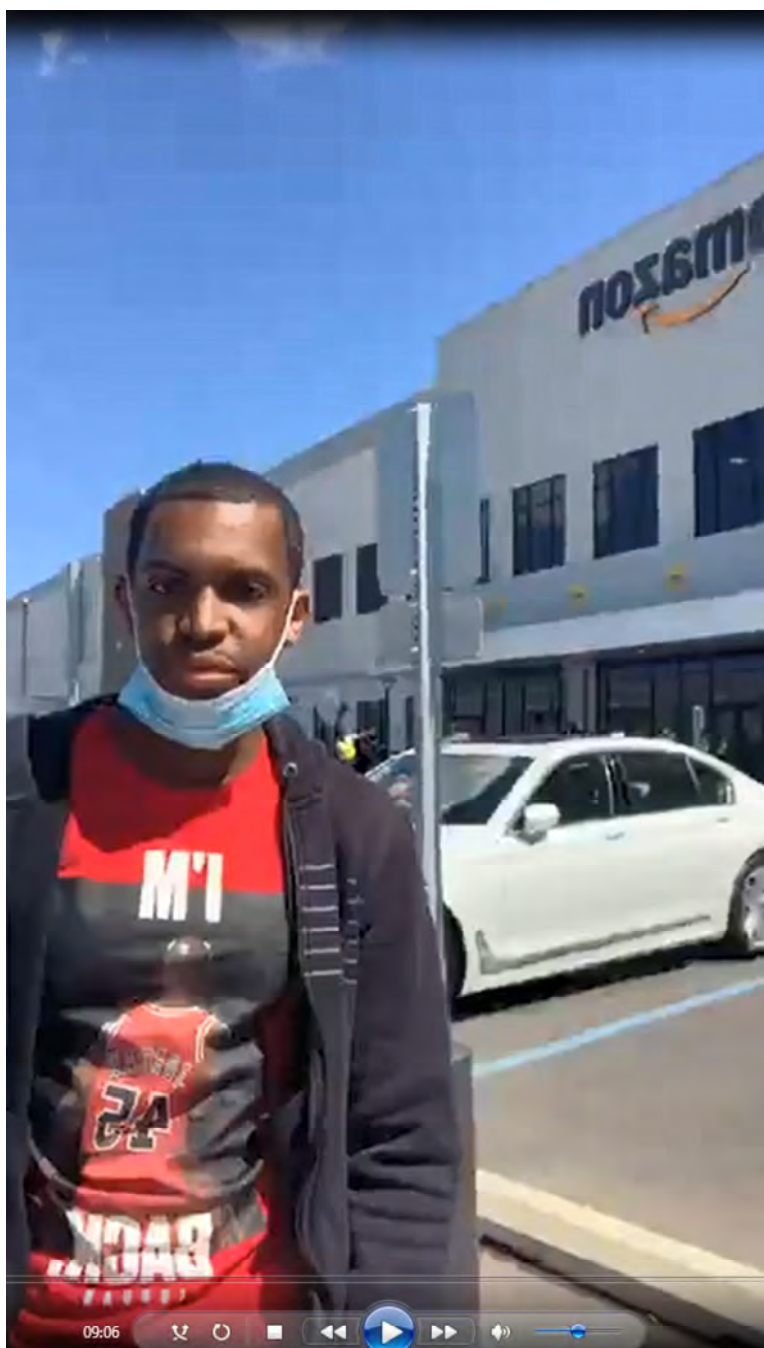
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**From:** Grabowski, Tyler [grabtyle@amazon.com]  
**Sent:** 4/6/2020 5:03:49 PM  
**To:** Gilbert-Differ, Geoff [ggeoffr@amazon.com]  
**CC:** jfk8-hrbp@amazon.com  
**Subject:** JFK8 4.6.20 Incident/Potential Threats  
**Attachments:** Maciej statement 4\_6\_20 .msg; Shaianna Donaldson 4.6 Incident Statement.doc; Dimitra Evans Statement 4.6.pdf; Christopher Urso Statement 4.6.pdf; Monday, April 6, 2020.msg

Geoff,

Please see the attached statements gathered in regards to the incident that occurred outside of the JFK8 main entrance during OB Lunch today.

Statements:

Dimitra Evans – Victim  
Shaianna Donaldson (HR) – Witness  
Christopher Urso (OB PA) – Witness  
Maciej Curlej (IB Sr Ops) – Witness  
Kaydee Bertone (Security) – Witness

According to Dimitra Evans(edimitra), she was outside smoking a cigarette on her break while there were protestors making comments about how Amazon should close down. Dimitra made a comment speaking positive about Amazon stating that it allowed associates the opportunity to continue working and earning a check. One of the protestors Gerald Bryson(gbbryo) appeared angered by what Dimitra had said and began make inappropriate and vulgar remarks at the associate. The situation then got to the point at which Gerald told Dimitra to shut up, to which she responded to him “make me”. Dimitra then claims Gerald said “come over here and I will make you shut up”.

The situation was witnessed by security who then advised Dimitra to go inside and walk away, which she did.

Tomorrow 4/7 I will speak with Paul (Security Supervisor) and send over with a statement as Paul also witnessed the situation.

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## Staten Island Amazon Workers Begin Union Drive, Drawing Lessons From Bessemer



People protest working conditions outside of an Amazon warehouse

fulfillment center on May 1, 2020, in the Staten Island borough of New York City. Workers at the facility are beginning an independent union drive.

STEPHANIE KEITH/GETTY IMAGES

**BY**

**Candice Bernd** (<https://truthout.org/authors/candice-bernd/>),  
TRUTHOUT

**PUBLISHED**

April 19, 2021

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*UPDATE: After this story was published, Staten Island warehouse workers forwarded Truthout [a message \(https://truthout.org/wp-content/uploads/2018/05/HR-Message.jpg\)](https://truthout.org/wp-content/uploads/2018/05/HR-Message.jpg) from the facility's human resources team sent warehouse-wide on*

An anti-union message sent to JFK8 warehouse workers on April 24, 2021.

COURTESY: JORDAN FLOWERS

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April 24, warning employees against signing a union card. The company has since **began displaying** (<https://www.vice.com/en/article/bvzx7v/amazon-launches-another-union-busting-campaign>) anti-union messaging on TV screens and in bathrooms employing the same anti-union rhetoric used to bust the high-profile union drive in Bessemer.

In some ways, Amazon workers' more than **yearlong struggle** (<https://www.nbcnews.com/business/business-news/fired-interrogated-disciplined-amazon-warehouse-organizers-allege-year-retaliation-n1262367>) for adequate COVID-19 protections and against corporate retaliation at the company's Staten Island facility in New York City helped pave the way for this month's unionization attempt at the Bessemer, Alabama, warehouse.

Now, as the Retail, Wholesale, and Department Store Union (RWDSU) seeks a second election through the National Labor Relations Board (NLRB), filing **official objections Friday** ([https://www.rwdsu.info/rwdsu\\_files\\_nlr\\_b\\_election\\_objections](https://www.rwdsu.info/rwdsu_files_nlr_b_election_objections)) charging Amazon with engaging in **illegal interference** (<https://slate.com/technology/2021/03/amazon-anti-union-campaign-alabama-twitter.html>) to defeat the

union, Staten Island “JFK8” warehouse workers with The Congress of Essential Workers (TCOEW) tell *Truthout* they aren’t deterred by the outcome. Rather, their on-the-ground experiences in Alabama, where the unionization effort gained national attention but ultimately failed, have taught them hard lessons that will inform their own approach to unionizing JFK8.

“We all wanted the union push to be successful in Alabama, especially with the odds being totally against them, being that Alabama is a nonunion state. But the fact that they had the opportunity to vote as a facility was historic,” JFK8 warehouse worker Derrick Palmer told *Truthout*. “We have to take the bruises and pick it up where they left off. If anything it started a movement. It’s going to be like a domino effect.”

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Palmer says the Bessemer push inspired JFK8 workers to take their labor organizing to the next level and start their own union drive. While Palmer says they've spoken with officials at a handful of allied unions, TCOEW organizers are pursuing an independent union that would be led directly by the facility's workers. The outcome in Bessemer, they say, has solidified the choice as the best option for Staten Island's more than 5,000 workers, especially since other unions have tried and failed to unionize facilities in New York.

In fact, TCOEW organizers say they've already called the NLRB to ensure they're taking the proper legal steps in establishing their own local, the **Amazon Labor Union** (<https://amazonlaborunion.org/>) (ALU). They hope ALU will eventually represent workers not just in Staten Island but at other Amazon facilities too.

"We figure, ... go the independent route which is worker-led," says Christian Smalls, who was fired from JFK8 last year after organizing a walkout to protest the company's lack of physical-distancing and COVID-19 protections. "That will build more confidence for workers that want to join because they'll be like, 'Hey look, this is something that is employee-driven, this is not a third party coming in, this is you guys creating your own union with your own set of rules and

negotiations.’ I think that’s more appealing to the worker.”

“We have to take the bruises and pick it up where they left off. If anything it started a movement. It’s going to be like a domino effect.”

Smalls tells *Truthout* he isn’t surprised by the outcome in Bessemer, having witnessed Amazon’s union-busting tactics firsthand during TCOEW organizers’ visit to the Alabama facility in February. “I was disappointed like everyone else, but I wasn’t discouraged,” he says. “There were some missed opportunities that [RWDSU] didn’t do that we learned from going down there, so we’re going to try to learn from those mistakes.”

TCOEW organizers say one thing they’ve learned is to take a slower, more cautious approach in order to build enough internal support within the large warehouse for an independent union. “We’re just trying to get all the pieces in order so that we do it effectively rather than just rushing into it,” Palmer says.

JFK8 has several advantages over Bessemer, they say.

For one thing, the warehouse has been around longer, and TCOEW organizers have more direct experience at the facility and a good reputation and influence among the workforce. Moreover, New York is a union-friendly state.

TCOEW organizers say they just starting to hand out union cards and pamphlets to workers at the facility. They're not just trying to build informal support for a union, they say, but are trying to build a more robust workers' committee fully committed to the project and ready to face the company's union-busting efforts. Smalls says they hope that by emphasizing worker-to-worker relationships — instead of relying on outside union organizers — they will be able to build trust among those working at the plant.

“We figure, go the independent route which is worker-led. That will build more confidence for workers that want to join.”

After Smalls was fired for helping organize the March 30, 2020, walkout at JFK8, Palmer faced disciplinary action, ironically, for violating Amazon's physical-distancing rules even though he was protesting to



pressure the company to enforce those very rules. On April 10, 2020, Palmer says he was given a “final write-up,” typically given for repeated violations, without receiving any previous write-ups.

In November 2020, a federal **judge dismissed** (<https://www.cnbc.com/2020/11/02/judge-dismisses-amazon-worker-lawsuit-over-coronavirus-safety.html>) Palmer and others’ lawsuit arguing the company failed to track and prevent the spread of the COVID-19 among workers or follow proper guidelines provided by public health agencies. But in February 2021, New York Attorney General Letitia James **sued** (<https://ag.ny.gov/press-release/2021/attorney-general-james-files-lawsuit-against-amazon-failing-protect-workers>) Amazon for failing to protect workers at warehouses in Staten Island and Queens and accused the company of illegally retaliating against workers, including Palmer and Smalls.

Amazon maintains that it has always followed public health guidance for COVID-19 and provided employees with adequate personal protective equipment. Moreover, the company describes the New York AG’s filing as failing to present an “accurate picture of Amazon’s industry-leading response to the pandemic.”

Amazon Spokesperson Maria Boschetti responded to the union push at JFK8, telling *Truthout* in a statement, “We respect our employees’ right to join, form or not to join a labor union or other lawful organization of their own selection, without fear of retaliation, intimidation or harassment. Across Amazon, including in our fulfillment centers, we place enormous value on having daily conversations with each employee and work to make sure direct engagement with our employees is a strong part of our work culture.”

“There were some missed opportunities that [RWDSU] didn’t do that we learned from going down there, so we’re going to try to learn from those mistakes.”

Still, TCOEW organizers says management at the Staten Island warehouse has kept a watchful eye on their efforts. Palmer, for instance, tells *Truthout* that in February, he and small group of workers were told they had to attend a refresher hazmat training on potentially hazardous materials. But when the group got to an orientation room for the training, they were instead

shown a video about “code of business conduct and ethics.” The video, he says, warned against employees’ discussing potential safety issues or other “sensitive” information on social media.

At this point, Palmer says, he’s not worried about further retaliation since he’s already in the public spotlight for speaking out against the company’s attempt to punish him for his organizing efforts. Smalls was already fired, and says he has nothing else to lose. “What’s the worst that can happen? We’ve already been through the fire,” he says.

The fight for COVID protections for Amazon workers has taken Smalls and other TCOEW organizers to Amazon headquarters as well as several of CEO Jeff Bezos’s mansions over the past year. The organization is still campaigning on behalf of families that lost loved ones due to the Amazon employees being exposed to COVID at its warehouses. The organization is demanding the company pay those families at least \$200,000 each, saying Amazon’s offer of two months of free counseling isn’t nearly enough.

“I’m giving the voice of employees with medical issues a chance to speak out, especially since Amazon’s not union, and they can do whatever they want.”

Jordan Flowers, another a JFK8 worker, tells *Truthout* he was fired in June because he couldn’t work amid the pandemic due to his lupus nephritis. The company rehired him the following week, Flowers says, but wasn’t paying him since he couldn’t come into work, so he had to file for unemployment for several months. The company is only just now beginning to make accommodations for him, he says, potentially placing him on paid leave. He now needs a kidney transplant and fears he could be fired again and lose his health insurance.

“I was kind of sad to talk about [my condition] at first, but that gave me the opportunity to tell the world **what it is (<https://www.mayoclinic.org/diseases-conditions/lupus-nephritis/symptoms-causes/syc-20354335>)**, so now it gives other people who are scared to talk about their medical issue, on the job or not, a chance to talk about it,” Flowers tells *Truthout*. “I’m giving the voice of

employees with medical issues a chance to speak out, especially since Amazon's not union, and they can do whatever they want."

Flowers says he's in talks with attorneys about the possibility of taking legal action against the company over what he calls a wrongful termination in the midst of the pandemic. "Amazon makes blood money. They would rather see their employees suffer but make the customers happy," he says. Amazon Spokesperson Boschetti didn't respond to specific questions about Flowers's employment status.

"Amazon makes blood money.  
They would rather see their  
employees suffer but make the  
customers happy."

Even if TCOEW is unable to build enough support for a union at JFK8, they're still pursuing several legal challenges that have already forced changes at the facility. These kinds of indirect strategies are being increasingly eyed by labor and union organizers in the aftermath of the Bessemer election, with unions using protests and other forms of public pressure to get Amazon to make changes that workers want. An Amazon



worker group called Amazonians United Chicagoland, for instance, has led protests and walkouts in the Chicago area throughout the pandemic.

Meanwhile, labor organizing at other Amazon facilities is also gaining steam. In Iowa, a local chapter of the Teamsters Union has been working on organizing Amazon warehouse workers and delivery drivers. Teamsters Local 238 Secretary-Treasurer Jesse Case **told The New York Times (<https://www.nytimes.com/2021/04/09/business/economy/amazon-labor-unions.html>)** the group is also trying to take a different route than RWDSU, saying they don't want to rely on the union "election process to raise standards."

Union organizers typically need to win an election at individual facilities for a large company like Amazon. Once organizers get 30 percent of workers to sign a card saying they're interested in a union, the NLRB will hold an election. It takes a simple majority of votes to establish a union. If a majority of workers sign union cards, however, a company can voluntarily recognize the union. While it's unlikely that Amazon would do so, a clear majority would increase public pressure and potentially force the tech giant's hand.

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than 1,000 Amazon workers at other facilities who are interested in unionizing. But the union has yet to indicate whether or at which facilities they might push for an election.

“[The PRO Act] won’t solve all the issues, but at least it allows us to organize without union-busting.”

Amazon’s victory in the **David-versus-Goliath** (<https://www.jacobinmag.com/2021/04/amazon-bessemer-union-drive-vote-nlrb>) unionization effort in Bessemer has intensified pressure on Senate Democrats to eliminate the filibuster and pass the **Protecting the Right to Organize Act** (<https://edlabor.house.gov/imo/media/doc/Fact%20Sheet%20-%20PRO%20Act.pdf>), one of the most ambitious attempts to strengthen the rights of workers and unions in decades. That pressure appears to be working: Conservative Democrat Sen. Joe Manchin announced he would **co-sponsor the bill** (<https://twitter.com/TonyRomm/status/1384162995836579842>) Monday. If passed, the legislation would ban many of the union-busting tactics

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The legislation would be “a step toward the right direction,” Smalls says. “It won’t solve all the issues, but at least it allows us to organize without union-busting, and if there is union-busting ... to hold the company or employees accountable. I think it’ll also help galvanize workers to begin these workplace committees and form their own unions. I think it’ll be a lot easier.”

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## Staten Island Amazon Workers Begin Union Drive, Drawing Lessons From Bessemer



People protest working conditions  
outside of an Amazon warehouse



fulfillment center on May 1, 2020, in the Staten Island borough of New York City. Workers at the facility are beginning an independent union drive.

STEPHANIE KEITH/GETTY IMAGES

**BY**

**Candice Bernd** (<https://truthout.org/authors/candice-bernd/>),  
TRUTHOUT

**PUBLISHED**

April 19, 2021

**SHARE**

*UPDATE: After this story was published, Staten Island warehouse workers forwarded Truthout [a message \(https://truthout.org/wp-content/uploads/2018/05/HR-Message.jpg\)](https://truthout.org/wp-content/uploads/2018/05/HR-Message.jpg) from the facility's human resources team sent warehouse-wide on*

An anti-union message sent to JFK8 warehouse workers on April 24, 2021.

COURTESY: JORDAN FLOWERS

---

April 24, warning employees against signing a union card.

The company has since **began displaying** **(<https://www.vice.com/en/article/bvzx7v/amazon-launches-another-union-busting-campaign>)** anti-union messaging on TV screens and in bathrooms employing the same anti-union rhetoric used to bust the high-profile union drive in Bessemer.

In some ways, Amazon workers' more than **yearlong struggle** **(<https://www.nbcnews.com/business/business-news/fired-interrogated-disciplined-amazon-warehouse-organizers-allege-year-retaliation-n1262367>)** for adequate COVID-19 protections and against corporate retaliation at the company's Staten Island facility in New York City helped pave the way for this month's unionization attempt at the Bessemer, Alabama, warehouse.

Now, as the Retail, Wholesale, and Department Store Union (RWDSU) seeks a second election through the National Labor Relations Board (NLRB), filing **official objections Friday** **([https://www.rwdsu.info/rwdsu\\_files\\_nlr\\_b\\_election\\_objections](https://www.rwdsu.info/rwdsu_files_nlr_b_election_objections))** charging Amazon with engaging in **illegal interference** **(<https://slate.com/technology/2021/03/amazon-anti-union-campaign-alabama-twitter.html>)** to defeat the

union, Staten Island “JFK8” warehouse workers with The Congress of Essential Workers (TCOEW) tell *Truthout* they aren’t deterred by the outcome. Rather, their on-the-ground experiences in Alabama, where the unionization effort gained national attention but ultimately failed, have taught them hard lessons that will inform their own approach to unionizing JFK8.

“We all wanted the union push to be successful in Alabama, especially with the odds being totally against them, being that Alabama is a nonunion state. But the fact that they had the opportunity to vote as a facility was historic,” JFK8 warehouse worker Derrick Palmer told *Truthout*. “We have to take the bruises and pick it up where they left off. If anything it started a movement. It’s going to be like a domino effect.”

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Palmer says the Bessemer push inspired JFK8 workers to take their labor organizing to the next level and start their own union drive. While Palmer says they've spoken with officials at a handful of allied unions, TCOEW organizers are pursuing an independent union that would be led directly by the facility's workers. The outcome in Bessemer, they say, has solidified the choice as the best option for Staten Island's more than 5,000 workers, especially since other unions have tried and failed to unionize facilities in New York.

In fact, TCOEW organizers say they've already called the NLRB to ensure they're taking the proper legal steps in establishing their own local, the **Amazon Labor Union** (<https://amazonlaborunion.org/>) (ALU). They hope ALU will eventually represent workers not just in Staten Island but at other Amazon facilities too.

"We figure, ... go the independent route which is worker-led," says Christian Smalls, who was fired from JFK8 last year after organizing a walkout to protest the company's lack of physical-distancing and COVID-19 protections. "That will build more confidence for workers that want to join because they'll be like, 'Hey look, this is something that is employee-driven, this is not a third party coming in, this is you guys creating your own union with your own set of rules and

negotiations.’ I think that’s more appealing to the worker.”

“We have to take the bruises and pick it up where they left off. If anything it started a movement. It’s going to be like a domino effect.”

Smalls tells *Truthout* he isn’t surprised by the outcome in Bessemer, having witnessed Amazon’s union-busting tactics firsthand during TCOEW organizers’ visit to the Alabama facility in February. “I was disappointed like everyone else, but I wasn’t discouraged,” he says. “There were some missed opportunities that [RWDSU] didn’t do that we learned from going down there, so we’re going to try to learn from those mistakes.”

TCOEW organizers say one thing they’ve learned is to take a slower, more cautious approach in order to build enough internal support within the large warehouse for an independent union. “We’re just trying to get all the pieces in order so that we do it effectively rather than just rushing into it,” Palmer says.

JFK8 has several advantages over Bessemer, they say.

For one thing, the warehouse has been around longer, and TCOEW organizers have more direct experience at the facility and a good reputation and influence among the workforce. Moreover, New York is a union-friendly state.

TCOEW organizers say they just starting to hand out union cards and pamphlets to workers at the facility. They're not just trying to build informal support for a union, they say, but are trying to build a more robust workers' committee fully committed to the project and ready to face the company's union-busting efforts. Smalls says they hope that by emphasizing worker-to-worker relationships — instead of relying on outside union organizers — they will be able to build trust among those working at the plant.

“We figure, go the independent route which is worker-led. That will build more confidence for workers that want to join.”

After Smalls was fired for helping organize the March 30, 2020, walkout at JFK8, Palmer faced disciplinary action, ironically, for violating Amazon's physical-distancing rules even though he was protesting to



pressure the company to enforce those very rules. On April 10, 2020, Palmer says he was given a “final write-up,” typically given for repeated violations, without receiving any previous write-ups.

In November 2020, a federal **[judge dismissed](https://www.cnbc.com/2020/11/02/judge-dismisses-amazon-worker-lawsuit-over-coronavirus-safety.html)** **[\(https://www.cnbc.com/2020/11/02/judge-dismisses-amazon-worker-lawsuit-over-coronavirus-safety.html\)](https://www.cnbc.com/2020/11/02/judge-dismisses-amazon-worker-lawsuit-over-coronavirus-safety.html)** Palmer and others’ lawsuit arguing the company failed to track and prevent the spread of the COVID-19 among workers or follow proper guidelines provided by public health agencies. But in February 2021, New York Attorney General Letitia James **[sued](https://ag.ny.gov/press-release/2021/attorney-general-james-files-lawsuit-against-amazon-failing-protect-workers)** **[\(https://ag.ny.gov/press-release/2021/attorney-general-james-files-lawsuit-against-amazon-failing-protect-workers\)](https://ag.ny.gov/press-release/2021/attorney-general-james-files-lawsuit-against-amazon-failing-protect-workers)** Amazon for failing to protect workers at warehouses in Staten Island and Queens and accused the company of illegally retaliating against workers, including Palmer and Smalls.

Amazon maintains that it has always followed public health guidance for COVID-19 and provided employees with adequate personal protective equipment. Moreover, the company describes the New York AG’s filing as failing to present an “accurate picture of Amazon’s industry-leading response to the pandemic.”

Amazon Spokesperson Maria Boschetti responded to the union push at JFK8, telling *Truthout* in a statement, “We respect our employees’ right to join, form or not to join a labor union or other lawful organization of their own selection, without fear of retaliation, intimidation or harassment. Across Amazon, including in our fulfillment centers, we place enormous value on having daily conversations with each employee and work to make sure direct engagement with our employees is a strong part of our work culture.”

“There were some missed opportunities that [RWDSU] didn’t do that we learned from going down there, so we’re going to try to learn from those mistakes.”

Still, TCOEW organizers says management at the Staten Island warehouse has kept a watchful eye on their efforts. Palmer, for instance, tells *Truthout* that in February, he and small group of workers were told they had to attend a refresher hazmat training on potentially hazardous materials. But when the group got to an orientation room for the training, they were instead

shown a video about “code of business conduct and ethics.” The video, he says, warned against employees’ discussing potential safety issues or other “sensitive” information on social media.

At this point, Palmer says, he’s not worried about further retaliation since he’s already in the public spotlight for speaking out against the company’s attempt to punish him for his organizing efforts. Smalls was already fired, and says he has nothing else to lose. “What’s the worst that can happen? We’ve already been through the fire,” he says.

The fight for COVID protections for Amazon workers has taken Smalls and other TCOEW organizers to Amazon headquarters as well as several of CEO Jeff Bezos’s mansions over the past year. The organization is still campaigning on behalf of families that lost loved ones due to the Amazon employees being exposed to COVID at its warehouses. The organization is demanding the company pay those families at least \$200,000 each, saying Amazon’s offer of two months of free counseling isn’t nearly enough.

“I’m giving the voice of employees with medical issues a chance to speak out, especially since Amazon’s not union, and they can do whatever they want.”

Jordan Flowers, another a JFK8 worker, tells *Truthout* he was fired in June because he couldn’t work amid the pandemic due to his lupus nephritis. The company rehired him the following week, Flowers says, but wasn’t paying him since he couldn’t come into work, so he had to file for unemployment for several months. The company is only just now beginning to make accommodations for him, he says, potentially placing him on paid leave. He now needs a kidney transplant and fears he could be fired again and lose his health insurance.

“I was kind of sad to talk about [my condition] at first, but that gave me the opportunity to tell the world **what it is (<https://www.mayoclinic.org/diseases-conditions/lupus-nephritis/symptoms-causes/syc-20354335>)**, so now it gives other people who are scared to talk about their medical issue, on the job or not, a chance to talk about it,” Flowers tells *Truthout*. “I’m giving the voice of

employees with medical issues a chance to speak out, especially since Amazon's not union, and they can do whatever they want."

Flowers says he's in talks with attorneys about the possibility of taking legal action against the company over what he calls a wrongful termination in the midst of the pandemic. "Amazon makes blood money. They would rather see their employees suffer but make the customers happy," he says. Amazon Spokesperson Boschetti didn't respond to specific questions about Flowers's employment status.

"Amazon makes blood money.  
They would rather see their  
employees suffer but make the  
customers happy."

Even if TCOEW is unable to build enough support for a union at JFK8, they're still pursuing several legal challenges that have already forced changes at the facility. These kinds of indirect strategies are being increasingly eyed by labor and union organizers in the aftermath of the Bessemer election, with unions using protests and other forms of public pressure to get Amazon to make changes that workers want. An Amazon

worker group called Amazonians United Chicagoland, for instance, has led protests and walkouts in the Chicago area throughout the pandemic.

Meanwhile, labor organizing at other Amazon facilities is also gaining steam. In Iowa, a local chapter of the Teamsters Union has been working on organizing Amazon warehouse workers and delivery drivers. Teamsters Local 238 Secretary-Treasurer Jesse Case **told The New York Times (<https://www.nytimes.com/2021/04/09/business/economy/amazon-labor-unions.html>)** the group is also trying to take a different route than RWDSU, saying they don't want to rely on the union "election process to raise standards."

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County of Kings  
State of New York

Case 29-CA-261755





## CONFIDENTIAL TELEPHONE WITNESS AFFIDAVIT

I, Gerald Bryson, being duly sworn upon my oath, hereby state as follows:

I have been given assurances by an agent of the National Labor Relations Board that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the Board and will not be disclosed unless it becomes necessary to produce the Confidential Witness Affidavit in connection with a formal proceeding.

I reside at 1950 Clove Road, Apt. 543, Staten Island, NY 10304

My cellphone number is 347-893-3271; my email address is: jcream1963@gmail.com.

- 1 1. I am not currently employed. I was employed by Amazon (the Employer or Amazon).  
2 I was employed by Amazon since about October 23, 2018 until my termination on April  
3 17, 2020. I was employed as a Warehouse ~~Worker~~ <sup>ASSOCIATE 1</sup>. I worked as a Counter in the Pick  
4 Count Floor <sup>(P&F DEPARTMENT)</sup> until my transfer to Outbound Ship Dock around March 5, 2020. I worked  
5 at the Employer's Warehouse JFK-8 located in Staten Island, New York (the  
6 Warehouse). My primary duty was to count the number of products in ~~an order~~ <sup>EACH BIN</sup> and  
7 verify that the stower put the correct number of items in the ~~order~~ <sup>BIN order</sup>.   
  
  

- 8 2. I worked four 10 hour shifts at Amazon. I worked Wednesday through Saturday. My  
9 work schedule was from 7:15 AM to 5:45 PM. I was paid \$18.30 per hour. On average,  
10 I worked about 40 hours per week. The Employer mandated employees to work  
11 overtime. The Employer paid overtime on the days that the Employer mandated

1  
Privacy Act Statement

The NLRB is asking you for the information on this form on the authority of the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the NLRB in processing representation and/or unfair labor practice cases and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). Additional information about these uses is available at the NLRB website, [www.nlr.gov](http://www.nlr.gov). Providing this information to the NLRB is voluntary. However, if you do not provide the information, the NLRB may refuse to continue processing an unfair labor practice or representation case, or may issue you a subpoena and seek enforcement of the subpoena in federal court.

Initials 

employees to work overtime. I typically avoided working overtime but could have been mandated up to 15 hours of overtime during Prime week, Easter, and other holidays like Christmas, Hanukah, and 4<sup>th</sup> of July.

3. My supervisor was Ron (LNU). My supervisor in Pick Count Floor was Bertram Price (Price). There was a time that I worked on Price's team along with Derrick Palmer (Derrick), and Christian Smalls (Christian). For about nine months straight Price's team had the highest productivity rate in the Warehouse. Amazon Manager Tom (LNU) and his protégé Katherine (LNU) began monitoring Price's team. I wrote a letter to Amazon's Human Resource Department complaining about ~~our team being~~ <sup>KATHERINE</sup> ~~monitored~~, and asked Manager Tom to transfer me to Outbound Ship Dock. I transferred to Outbound Ship Dock around March 5, 2020. At the end of my employment, I was working in the Outbound Ship Dock Department.

JB  
HARASSING  
MONITORING  
ME  
JB

4. I was issued discipline about 4 or 5 times during my employment at the Employer. I was written up once while I was still a trainee. The write-up issued to me as a trainee was for average work productivity. All of my other write-ups were also for average work productivity. The write-ups that I got for average work productivity were automated. Amazon's system generates the write-up based on the gun scans that an employee enters. An employee is notified and gets the write-up ~~when the employee~~ <sup>FROM A MANAGER,</sup> ~~logs into~~ <sup>WHO IS</sup> Amazon's computer system. I was not issued any other discipline during my employment except the suspension and termination in April 2020.

JB  
FROM A MANAGER, WHO IS  
NOTIFIED BY  
JB

5. On or about March 20 or 21, 2020 the Employer had a fair at the Warehouse. The Employer was raffling off different prizes to employees. My then-coworkers Christian Smalls, Derrick Palmer, ~~Jordan Flowers (Jordan)~~, and I were shocked that Amazon was not enforcing any social distancing, or providing any employees with protective gear.

JB

JB

1 Christian, Derrick, ~~Jordan~~ and I decided to go speak to management at the next  
2 management meeting on March 25, 2020. JB

3 6. I participated in developing the demands that my coworkers and I wanted to present to  
4 management. I participated with my coworkers on telephone calls and Zoom meetings  
5 to address worker issues and Amazon not protecting us from the COVID pandemic.  
6 My coworkers and I participated on conference calls with Make the Road New York.

7 7. On March 25, 2020, my then-coworkers Derrick, Christian, myself and about 10 other  
8 employees walked in on a management meeting in the General Manager's Office at the  
9 Warehouse. Present at the management meeting were about 10-20 managers. Christian  
10 said, what do you guys intend to do? Christian said, there is a pandemic, and there is  
11 no social distancing in place. I said, don't you realize that people are dying out there?  
12 I said, I don't want to bring this home to my family. I said, I have a newborn grandson.  
13 General Manager of JFK8 Sai (LNU) said, we understand, Gerald. I said, people are  
14 dying. General Manager Sai (LNU) said, we will get back to you. <sup>DERRICK</sup>~~Derrick~~ also spoke JB  
15 up. I cannot recall what Derrick said. The conversation lasted for about 10 minutes.

16 8. Sometime around March 30, 2020, either Derrick or Christian delivered the workers'  
17 <sup>TO THE MEDIA AND</sup> demands to management. The workers' demands included Amazon cleaning the JB  
18 facility, employees getting paid time off, that Amazon enforce social distancing and  
19 provide employees masks and gloves as well as have washing stations for employees.  
20 I participated in the March 30, 2020 picket outside the Warehouse. I remained outside  
21 of the Warehouse when either Christian or Derrick <sup>APPROACHED</sup>~~entered~~ the building to deliver the JB  
22 employee demands to management.

23 9. On about April 6, 2020, I was scheduled off from work. On April 6, Amazon  
24 Warehouse employees, essential workers who supported the Amazon Warehouse



workers, and I picketed outside of the Warehouse. There were about 50 people standing outside of the Warehouse. There were reporters standing on the public sidewalk outside of Amazon's parking lot. My coworkers and I took turns going inside the Amazon parking lot with our signs and the bull horn. When my coworkers and I entered the parking lot we stayed about 100 feet from the Warehouse entrance. At some point during the picket, I entered the parking lot with my coworker Mandy (LNU). Mandy and I stood on the median which separated the parked cars that were facing each other. Mandy and I maintained 6 feet of social distance from each other. Using the bullhorn, I was asking Amazon safety staff and the security guards how many employees were infected with COVID-19. I said, how many mister safety man? I said, how many? I said, how many infected? I said, how many infected today? I heard a voice say, why don't you get out of here? I continued to chant, "tell us how many." I heard, "why don't you get the fuck out of here." I said, who said that? I said [to Mandy], are you taping this? Mandy said, no. I said [to Mandy], are you hearing this? A woman answered, I did! I said, where you at? I said, I don't see you. I started following the woman's voice. Mandy did not follow me to where the woman was. Mandy stayed away from the woman and I to maintain social distancing. I saw a woman sitting crouched <sup>NEXT TO A CAR</sup> ~~between two~~ parked cars smoking a cigarette. When I saw the woman I maintained at least 6 feet of social distance. I said, why are you acting like that? I said, I am here trying to help you too. I said, Amazon is giving you \$2.00 to sell your soul. I said, you're not afraid to bring this home to your family? The woman said, I don't care. The woman said, I don't give a fuck. The woman said, I need to work. The woman said, I need the money. The woman said, you should be happy that <sup>THE WOMAN SAID, THIS IS GOING TO BE YOUR LAST JOB, HOE.</sup> you have a job. <sup>^</sup> The woman said, you shouldn't be out here doing this to them. I said, what are you talking about? I said, they do not care about your safety. I said, consider yourself bought for two dollars more. <sup>^</sup> <sup>BIRTH</sup> The woman said, fuck you go back to the Bronx. <sup>TO WHERE YOU CAME FROM, GO BACK</sup>

JB

JB

JB  
7/7/2020

JB  
7/7/2020

SAY  
GUTTER BITCH. I'M OUT HERE FOR YOU  
BECAUSE YOU CAN'T FIGHT FOR YOURSELF,  
YOU'RE TOO STUPID.

1 I said, I'm sorry to tell you I was born and raised here in Staten Island. The woman  
2 walked away from me toward the Warehouse entrance. When the woman reached the  
3 Warehouse entrance, the woman said, what are you going to do? I said, I'm over here!  
4 THE WOMAN SAID, YOU WANT TO BRING IT, I'LL BRING IT.  
5 THE WOMAN SAID, WAS MOVED BY AMAZON STAFF  
6 I was over 100 feet away from the woman. I did not have any other communication  
with the woman.

7/7/2020

7 10. The woman employee that cursed at me on April 6, 2020 was Caucasian. I did not  
8 know the woman's name. I know that the woman is Warehouse employee. I have seen  
9 the woman working around the Warehouse. ~~I did not curse at the woman on April 6,~~  
10 ~~2020.~~

11 11. I took time off from work to avoid being exposed to COVID-19. I did not report to  
12 work between April 6, 2020 and my suspension on April 10, 2020. The last day that I  
13 reported to work in the Warehouse was about March 28, 2020.


14 12. On about April 10, 2020, sometime between 11 AM and 1 PM, I received a phone call  
15 from Human Resources Representative Tyler Grabowski (Tyler) on my personal cell  
16 phone. Tyler said, hi Gerald, this is Tyler from HR. Tyler said, I am calling in response  
17 to a complaint made against you. I said, what's the complaint? Tyler said, did you  
18 have an altercation with a woman outside the Warehouse? I said, yeah I was protesting  
19 and she asked me, why I don't get the fuck out of here. I said, who complained? I said,  
20 what's her name? Tyler said, I can't divulge. Tyler said, did you call her the N word?  
21 I said, what do you mean? I said, I am black. Tyler said, we have to do an investigation.  
22 Tyler said, were people outside in the front? I said, yeah there was a girl outside out  
23 there with me. I said, this may have been caught on tape. Tyler said, who was out  
24 there with you? Tyler said, what is her name? I said, I don't know. Tyler said, you  
25 don't remember <sup>HER</sup> name? I said, nope. I said, I see her around. Tyler said, you are

S.B.

1 suspended with pay. I said, you do realize that I was protesting on my day off. Tyler  
2 did not respond to my statement. Tyler said, we will get back to you with our decision.

3 13. I did not say the N word to the woman on April 6, 2020. The woman was Caucasian.

4 14. On about April 17, 2020, I received a call from Human Resource Representative Tyler  
5 on my personal cell phone around 11 AM. Tyler said, hi Gerald. Tyler said, we decided  
6 to part ways from you. I said, you're telling me that I am terminated? Tyler said, yeah.  
7 I said, what for? Tyler said, bullying. I said, what do you mean bullying? I said, she  
8 told me to get the fuck out of here. Tyler said, that's the decision that was made. I  
9 said, she's the one that was bullying me. I said, I never approached her or did anything  
10 to her. I said, and you do realize that it was my day off? Tyler said, I do. This was the  
11 extent of my conversation with Tyler.

12 15. I know that Amazon has a zero tolerance policy for cursing and fighting. About a year  
13 ago, then employee Scott (LNU) had an argument with another coworker. The  
14 coworker threw a plastic tote bin at Scott. Scott did not physically assault the coworker.  
15 ~~SAID "DO YOU WANT TO FIGHT?" IN SURPRISE.~~  
~~Scott cursed at the coworker.~~ Both the coworker and Scott were fired for the argument. 

16 16. To my knowledge, the woman who cursed me out on April 6, 2020 while on duty is  
17 still employed at Amazon, and has not been issued discipline.

18 17. On April 19, 2020 Human Resource Representative Tyler e-mailed me a copy of my  
19 termination notice. I did not respond to Tyler's April 19, 2020 e-mail. I will provide  
20 the Agent with a copy of the email and termination notice. I haven't had any further  
21 communication with the Employer since I was terminated.

22 **I am being provided a copy of this Confidential Witness Affidavit for my review. If,**  
23 **after reviewing this affidavit again, I remember anything else that is relevant, or**  
24 **desire to make any changes, I will immediately notify the Board agent. I understand**  
25 **that this affidavit is a confidential law enforcement record and should not be shown**



1 to any person other than my attorney or other person representing me in this  
2 proceeding.

3 I have read this Confidential Witness Affidavit consisting of (7) pages, including this  
4 page, I fully understand it, and I state under penalty of perjury that it is true and  
5 correct. However, if after reviewing this affidavit again, I remember anything else  
6 that is important or I wish to make any changes, I will immediately notify the Board  
7 agent.

8 Date:

06/30/2020

Signature:

Gerald J. Bryson  
Gerald Bryson

9  
10 Signed and sworn to before me by telephone on

11  
12 \_\_\_\_\_

13  
14  
15 \_\_\_\_\_  
16 Evamaria Cox

17 Board Agent

18 National Labor Relations Board

-7-

Initials

GB



# Morgan Lewis

**Kelcey J. Phillips**

Associate  
+1.202.739.5455  
kelcey.phillips@morganlewis.com

May 12, 2021

**Via Email**

Evamaria Cox  
Field Attorney  
National Labor Relations Board, Region 29  
Two Metro Tech Center, Suite 5100  
Brooklyn, NY 11201

Re: Amazon.com Service LLC Case 29-CA-261755

Dear Ms. Cox:

We have attached a third privilege log, which includes the potentially responsive privileged documents we have reviewed to date.

We also wanted to address a few points related to today's production of documents responsive to subpoena *duces tecum* B-1-1BUGMIX. Included in our production today are a number of Chime conversations. In some, we have redacted certain messages. As you may know, Chime threads are akin to Instant Messaging platforms and services, and during the parties to the thread can have an ongoing "conversation" regarding any number of disparate matters. This contrasts significantly from emails that typically involve a single subject. We want to clarify that the redactions are of non-responsive subject-matter contained in the Chime threads that have nothing to do with the information requested by way of the subpoena. We have provided those portions of the Chime threads that are responsive to subpoenas.

Please contact me should you have any questions.



Sincerely,

*/s/ Kelcey J. Phillips*  
Kelcey J. Phillips

cc: Nicole Buffalano, Esq.  
Christopher J. Murphy, Esq.  
Jennifer Mott Williams, Esq.  
Matthew Jackson, Esq.  
Frank Kearl, Esq.

**Morgan, Lewis & Bockius LLP**

1111 Pennsylvania Avenue, NW  
Washington, DC 20004  
United States

 +1.202.739.3000  
 +1.202.739.3001

**Archived:** Sunday, May 23, 2021 3:29:58 PM

**From:** [nicole.buffalano@morganlewis.com](mailto:nicole.buffalano@morganlewis.com)

**Mail received time:** Wed, 31 Mar 2021 23:32:23

**Sent:** Thu, 1 Apr 2021 03:32:20

**To:** [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)

**Cc:** [Murphy, Christopher J. Phillips, Kelcey J.](#)

**Subject:** Amazon, Case No. 29-CA-261755

**Importance:** Normal

**Sensitivity:** None

---

**Morgan Lewis**

Buffalano, Nicole sent you a secure message

Access message

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1 PDF

Bryson 3.31 Production.pdf

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**Archived:** Sunday, May 23, 2021 3:29:54 PM

**From:** [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)

**Mail received time:** Thu, 1 Apr 2021 08:13:40

**Sent:** Thu, 1 Apr 2021 12:13:37

**To:** [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)

**Cc:** [Buffalano, Nicole](#) [Murphy, Christopher J.](#)

**Subject:** Amazon, Case No. 29-CA-261755

**Importance:** Normal

**Sensitivity:** None

---

**Morgan Lewis**

kelcey.phillips@morganlewis.com sent you a secure  
message

[Access message](#)

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**From:** kelcey.phillips@morganlewis.com  
**Sent:** Monday, April 5, 2021 10:16 PM  
**To:** matthew.jackson@nlrb.gov; evamaria.cox@nlrb.gov  
**Cc:** Buffalano, Nicole; Murphy, Christopher J.  
**Subject:** Amazon, Case No. 29-CA-261755



kelcey.phillips@morganlewis.com sent you a secure message

Access message

Ms. Cox and Mr. Jackson, as mentioned, here are the 4.5.21 responsive documents.



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1 compressed file  
Bryson 4.5 Production.zip

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**Archived:** Wednesday, May 19, 2021 7:48:25 PM

**From:** [Cox, Evamaria](#)

**Mail received time:** Tue, 6 Apr 2021 17:42:10

**Sent:** Tue, 6 Apr 2021 21:42:01

**To:** [Phillips, Kelcey J.](#)

**Subject:** RE: Amazon, Case No. 29-CA-261755

**Importance:** Normal

**Sensitivity:** None

---

[EXTERNAL EMAIL]

Thank you very much.

---

**From:** Phillips, Kelcey J. <[kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)>

**Sent:** Tuesday, April 6, 2021 4:48 PM

**To:** Cox, Evamaria <[Evamaria.Cox@nlrb.gov](mailto:Evamaria.Cox@nlrb.gov)>; Jackson, Matthew <[Matthew.Jackson@nlrb.gov](mailto:Matthew.Jackson@nlrb.gov)>

**Cc:** Buffalano, Nicole <[nicole.buffalano@morganlewis.com](mailto:nicole.buffalano@morganlewis.com)>; Murphy, Christopher J.

<[christopher.murphy@morganlewis.com](mailto:christopher.murphy@morganlewis.com)>

**Subject:** RE: Amazon, Case No. 29-CA-261755

Ms. Cox,

Attached please find document AMZ-BRY000188 – AMZ-BRY000197. This format should be easier to follow.

Thanks,

Kelcey

**Kelcey J. Phillips\***

**Morgan, Lewis & Bockius LLP**

1111 Pennsylvania Avenue, NW | Washington, DC 20004-2541

Direct: +1.202.739.5455 | Main: +1.202.739.3000 | Fax: +1.202.739.3001 | Mobile: +1.323.376.3589

[kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com) | [www.morganlewis.com](http://www.morganlewis.com)

Assistant: Denise Ann Soo Hoo | +1.202.373.6616 | [denise.soofoo@morganlewis.com](mailto:denise.soofoo@morganlewis.com)

\*Admitted in California only; Practice supervised by DC Bar members



---

**From:** Cox, Evamaria <[Evamaria.Cox@nlrb.gov](mailto:Evamaria.Cox@nlrb.gov)>

**Sent:** Tuesday, April 6, 2021 11:23 AM

**To:** Phillips, Kelcey J. <[kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)>; Jackson, Matthew <[Matthew.Jackson@nlrb.gov](mailto:Matthew.Jackson@nlrb.gov)>

**Cc:** Buffalano, Nicole <[nicole.buffalano@morganlewis.com](mailto:nicole.buffalano@morganlewis.com)>; Murphy, Christopher J.

<[christopher.murphy@morganlewis.com](mailto:christopher.murphy@morganlewis.com)>

**Subject:** RE: Amazon, Case No. 29-CA-261755

[EXTERNAL EMAIL]

Good morning Counsel,

I am in receipt of the latest set of documents. Please note that there are deficiencies in this production. I will address other deficiencies with the March 31 and April 1 production under separate cover.

With regard to this production, please note that **AMZ-BRY000194 and AMZ-BRY000195** appear to be inserted in

inverse order. It appears that 195 should come before 194. I've attached the production for your reference. Further, the comments in the Incident Details Section are incomplete. Thus, it appears a page is missing. Please produce the page(s) as would complete the comments in the Incident Details Section.

Attached you will also find the production with my highlights. In response to subpoena paragraphs 17 and 18, please produce the disciplinary document issued to the employees that I've highlighted, the personnel files associated with those highlighted employees, and the documents showing the investigations in connection with those highlighted disciplinary actions. I've selected the highlighted disciplines because they were issued between May 1, 2019 and April 30, 2020.

Please let me know if you have any questions. Thank you.

Very truly yours,

**Evamaria Cox** | Field Attorney  
National Labor Relations Board, Region 29  
Two MetroTech Center, Suite 5100  
Brooklyn, NY 11201  
Phone: 718.765.6172  
Cell: 202.702.7499  
Fax: 718.330.7579  
[evamaria.cox@nrlrb.gov](mailto:evamaria.cox@nrlrb.gov)

**The NLRB now requires e-filing for most documents.**

See [GC 20-01](#) and [Frequently Asked Questions](#)

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---

**From:** Phillips, Kelcey J. <[kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)>  
**Sent:** Monday, April 5, 2021 10:16 PM  
**To:** Cox, Evamaria <[Evamaria.Cox@nrlrb.gov](mailto:Evamaria.Cox@nrlrb.gov)>; Jackson, Matthew <[Matthew.Jackson@nrlrb.gov](mailto:Matthew.Jackson@nrlrb.gov)>  
**Cc:** Buffalano, Nicole <[nicole.buffalano@morganlewis.com](mailto:nicole.buffalano@morganlewis.com)>; Murphy, Christopher J. <[christopher.murphy@morganlewis.com](mailto:christopher.murphy@morganlewis.com)>  
**Subject:** Amazon, Case No. 29-CA-261755

Ms. Cox and Mr. Jackson,

We have just sent, via Morgan Lewis' secure file transfer system, additional documents responsive to Subpoena paragraph 13.

Please let us know if you have any trouble accessing or opening the documents.

Best,  
Kelcey

**Kelcey J. Phillips\***

**Morgan, Lewis & Bockius LLP**

1111 Pennsylvania Avenue, NW | Washington, DC 20004-2541

Direct: +1.202.739.5455 | Main: +1.202.739.3000 | Fax: +1.202.739.3001 | Mobile: +1.323.376.3589

[kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com) | [www.morganlewis.com](http://www.morganlewis.com)

Assistant: Denise Ann Soo Hoo | +1.202.373.6616 | [denise.soofoo@morganlewis.com](mailto:denise.soofoo@morganlewis.com)

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Archived: Thursday, December 16, 2021 10:08:10 PM

From: [Murphy, Christopher J.](#)

Mail received time: Wed, 7 Apr 2021 17:35:02

Sent: Wed, 7 Apr 2021 17:35:00

To: [Cox, Evamaria](#)

Cc: [Buffalano, Nicole Phillips](#), [Kelcey J. Bagley](#), [Claire E.](#)

Subject: AMAZON.COM SERVICES LLC, 29-CA-261755

Importance: Normal

Sensitivity: None

Attachments:

[AMZ-BRY000198 - AMZ-BRY000213.pdf](#)

---

Eva:

Please see the attached materials produced pursuant to the CAGC's subpoena in the above-referenced matter. These materials identify 34 instances of discipline at JFK8 containing a search term (with expander) contained in CAGC subpoena paragraph 16.

*Chris*

**Christopher J. Murphy**

**Morgan, Lewis & Bockius LLP**

1701 Market Street | Philadelphia, PA 19103-2921

Direct: +1.215.963.5601 | Cell: +1.267.307.1024 | Main: +1.215.963.5000 | Fax: +1.215.963.5001

[christopher.murphy@morganlewis.com](mailto:christopher.murphy@morganlewis.com) | [www.morganlewis.com](http://www.morganlewis.com)

Assistant: Claire Bagley | +1.215.963.5990 | [claire.bagley@morganlewis.com](mailto:claire.bagley@morganlewis.com)





**Archived:** Thursday, December 16, 2021 10:10:13 PM  
**From:** [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)  
**Mail received time:** Mon, 12 Apr 2021 17:58:37  
**Sent:** Mon, 12 Apr 2021 21:58:33  
**To:** [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)  
**Cc:** [Buffalano, Nicole](#) [Murphy, Christopher J.](#)  
**Subject:** Amazon, Case No. 29-CA-261755  
**Importance:** Normal  
**Sensitivity:** None

---

## Morgan Lewis

kelcey.phillips@morganlewis.com sent you a secure message

[Access message](#)

Hello Ms. Cox and Mr. Jackson,

Please find attached the requested native format documents: AMZ-BRY000172- AMZ-BRY000178, AMZ-BRY000182- AMZ-BRY000183, and AMZ-BRY000184.

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**Archived:** Thursday, December 16, 2021 10:11:58 PM  
**From:** [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)  
**Mail received time:** Thu, 15 Apr 2021 22:02:31  
**Sent:** Fri, 16 Apr 2021 02:02:28  
**To:** [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)  
**Cc:** [Buffalano, Nicole](#) [Murphy, Christopher J.](#)  
**Subject:** Amazon, Case No. 29-CA-261755  
**Importance:** Normal  
**Sensitivity:** None

---

## Morgan Lewis

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[Access message](#)


Ms. Cox and Mr. Jackson,

Attached are documents responsive to Paragraphs 1, 16 and 17. Within the attached folder is a cover letter identifying the subpoena paragraph to which each produced document is responsive.

Thanks,  
Kelcey

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**Archived:** Wednesday, May 19, 2021 7:48:02 PM  
**From:** [Murphy, Christopher J.](#)  
**Mail received time:** Sat, 17 Apr 2021 14:36:53  
**Sent:** Sat, 17 Apr 2021 14:36:51  
**To:** [Cox, Evamaria](#) [Jackson, Matthew](#)  
**Cc:** [Buffalano, Nicole](#) [Ranjo, Jason J.](#) [Phillips, Kelcey J.](#)  
**Subject:** Follow Up to 4/16/21 Call  
**Importance:** Normal  
**Sensitivity:** None  
**Attachments:**  
[For Our 7\\_30 Call -- Please forward to Your side.msg](#)

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Eva:

Following our 90-minute call last evening, here is our understanding of the items discussed or agreed to last night:

1. We agreed to provide hit reports by search term for the following: (a) For the JFK8 set of 1,593 disciplines a hit list for the paragraph 16 terms (5 terms) and the paragraph 17 terms (31 terms); (b) For the EWR4 and BDL3 sets of disciplines, provide the same of hit list for both Paragraphs 16 and 17; and (c) We agreed to produce the personnel and investigative files, if any, of any employee whose discipline suggests to you that they may a comparator. Relatedly, we have produced the personnel files for the 32 JFK8 comparators you have identified.
2. We confirmed our written advice that the “discipline forms” you seek cannot be generated or extracted from the discipline reports (adapt) we have sent to you. Each discipline form you seek must be extracted manually. That is, the personnel file of the employee for whom you seek a discipline form must be downloaded from Amazon and reviewed by a reviewer. The reviewer then identifies the discipline form(s) and copies it to a pdf format for review, QC and production. As we advised under separate cover, this process is labor and time intensive. For example, we estimate that production of the discipline forms in pdf form for JFK8, EWR4 and BDL3 would take more than 1000 hours of reviewer or attorney time. Assuming a 40 hour work week, this work would take more than 25 weeks to complete.
3. We offered to search for additional search terms for the 10 paragraph 19 custodians already transferred. (Two of the custodians we selected did not transfer over yet due to size limitations.) This would be in addition to the terms provided in our pre-call email of last night (copy attached). We ask that you provide us the additional terms you would like us to search. We also agreed to provide a hit list for each of the paragraph 19 terms searched to date.
4. We explained how we selected the paragraph 19 custodian and search terms utilized. As indicated, our approach was simple – we picked the custodians and terms that seemed to have the most relevance to Bryson’s alleged PCA and the circumstances that lead to his termination. We took issue with your suggestion that you didn’t know what search terms to propose because you investigated this case and now have been preparing it for trial for months. You asked why we didn’t include the terms “blog” or “post” in our initial cut and we explained that we simply hadn’t seen the strong connection of those terms to this case. As noted above, we will search any additional terms form your set of proposed terms.
5. Relatedly, you asked us about 5 paragraph 19 custodians (Neha Viswanath, Brian Reichart, Milly Gutierrez, Traci Weishalla, Anand Mehta, and Kristin LaRosa) not included in our initial review. As per #4, we explained that we didn’t select them because we did not view them as central to this case. Please confirm that you want us to review those additional custodians and we will begin the process. Note, however, that Amazon objects to pulling electronically stored information for Kristin LaRosa as a custodian because, as we explained, she is an Amazon in-house attorney, and the vast majority, if not all, of her responsive communications are likely privileged. If Ms. LaRosa appears on responsive communications for other custodians, we will evaluate privilege on an individualized basis.

Please let us know if you think we missed anything substantive.

Finally, we object to the repeated insinuations made by your participants on the call that we and/or our client are being less than fully compliant with our respective obligations to produce documents in this case. Some of the participants on your side repeatedly used the terms “transparency” and “clarity” to suggest that Amazon has not produced all the responsive materials in its possession or that we are somehow not complying with our obligations under the applicable Rules of Professional Conduct. When we pressed you to substantiate your insinuations, you said only that the production did not look like how you expected it to look and that Amazon’s systems may not be “standard.” In response, we repeatedly assured you that we, in turn, have been assured that all emails and Chimes responsive to the Paragraph 19 search criteria we provided have been collected. To alleviate your unfounded concerns that Amazon Chimes were not properly searched or pulled, Jason Ranjo told you that Amazon routinely produces Chimes in civil litigation discovery, that this Amazon production has proceeded in exactly the same way that others such productions have proceeded, and that no one has ever made the insinuations casually tossed about last night. We respectfully request that you refrain from any further conjecture and aspersion.

*Chris*

**Christopher J. Murphy**

**Morgan, Lewis & Bockius LLP**

1701 Market Street | Philadelphia, PA 19103-2921

Direct: +1.215.963.5601 | Cell: +1.267.307.1024 | Main: +1.215.963.5000 | Fax: +1.215.963.5001

[christopher.murphy@morganlewis.com](mailto:christopher.murphy@morganlewis.com) | [www.morganlewis.com](http://www.morganlewis.com)

Assistant: Claire Bagley | +1.215.963.5990 | [claire.bagley@morganlewis.com](mailto:claire.bagley@morganlewis.com)



**Archived:** Thursday, December 16, 2021 10:17:49 PM  
**From:** [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)  
**Mail received time:** Tue, 20 Apr 2021 22:43:40  
**Sent:** Wed, 21 Apr 2021 02:43:38  
**To:** [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)  
**Cc:** [Buffalano, Nicole](#) [Murphy, Christopher J.](#)  
**Subject:** Amazon, Case No. 29-CA-261755  
**Importance:** Normal  
**Sensitivity:** None

---

## Morgan Lewis

kelcey.phillips@morganlewis.com sent you a secure message


[Access message](#)

Ms. Cox and Mr. Jackson,

Attached are documents responsive to subpoena B-1-1BUGMIX. Within the attached folder is a cover letter identifying the subpoena paragraph to which each produced document is responsive.

Thanks,  
Kelcey

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Archived: Thursday, December 16, 2021 10:49:27 PM

From: [Murphy, Christopher J.](#)

Mail received time: Mon, 26 Apr 2021 17:40:59

Sent: Mon, 26 Apr 2021 17:40:57

To: [Cox, Evamaria Jackson, Matthew Frank Kearn](#)

Cc: [Buffalano, Nicole Phillips, Kelcey J. Bagley, Claire E.](#)

Subject: Amazon\_Bryson - Privilege Log (4-26-21)

Importance: Normal

Sensitivity: None

Attachments:

[Amazon\\_Bryson - Privilege Log \(4-26-21\).pdf](#);

---

All:

As discussed at the hearing today, attached is Respondent's privilege log. As our production continues, we anticipate that we will supplement this log.

*Chris*

**Christopher J. Murphy**

**Morgan, Lewis & Bockius LLP**

1701 Market Street | Philadelphia, PA 19103-2921

Direct: +1.215.963.5601 | Cell: +1.267.307.1024 | Main: +1.215.963.5000 | Fax: +1.215.963.5001

[christopher.murphy@morganlewis.com](mailto:christopher.murphy@morganlewis.com) | [www.morganlewis.com](http://www.morganlewis.com)

Assistant: Claire Bagley | +1.215.963.5990 | [claire.bagley@morganlewis.com](mailto:claire.bagley@morganlewis.com)



**Archived:** Thursday, December 16, 2021 10:19:46 PM

**From:** [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)

**Mail received time:** Tue, 27 Apr 2021 22:47:13

**Sent:** Wed, 28 Apr 2021 02:47:09

**To:** [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)

**Cc:** [Buffalano, Nicole Williams, Jennifer Mott Murphy, Christopher J.](#)

**Subject:** Amazon, Case No. 29-CA-261755

**Importance:** Normal

**Sensitivity:** None

## Morgan Lewis


kelcey.phillips@morganlewis.com sent you a secure message


Access message

Ms. Cox and Mr. Jackson,

Attached are documents responsive to subpoena B-1-1BUGMIX. Within the attached folder is (1) a cover letter identifying the subpoena paragraph to which each produced document is responsive, and (2) a redacted copy of our communication with regard to search terms and custodians for Paragraphs 12 and 14.

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 Attachments expire on May 28, 2021

 **1 compressed file**  
Bryson 4.27 Production.zip

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**Archived:** Thursday, December 16, 2021 10:20:55 PM

**From:** [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)

**Mail received time:** Fri, 30 Apr 2021 09:17:17

**Sent:** Fri, 30 Apr 2021 13:16:36

**To:** [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)

**Cc:** [Buffalano, Nicole Williams, Jennifer Mott Murphy, Christopher J.](#)

**Subject:** Amazon.com Services LLC (29-CA-261755)

**Importance:** Normal

**Sensitivity:** None

## Morgan Lewis

kelcey.phillips@morganlewis.com sent you a secure message


Access message

Ms. Cox and Mr. Jackson,

As stated in my email, please find attached the outstanding documents related to request #4 in your April 28, 2021 email.

Thanks,  
Kelcey

Secured by **Kiteworks**

 Attachments expire on May 30, 2021

 1 compressed file  
Bryson 4.30 Production.zip

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**Archived:** Thursday, December 16, 2021 10:21:41 PM

**From:** [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)

**Mail received time:** Sat, 1 May 2021 19:03:04

**Sent:** Sat, 1 May 2021 23:02:55

**To:** [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)

**Cc:** [Buffalano, Nicole Williams, Jennifer Mott Murphy, Christopher J.](#)

**Subject:** Amazon, Case No. 29-CA-261755

**Importance:** Normal

**Sensitivity:** None

## Morgan Lewis

kelcey.phillips@morganlewis.com sent you a secure message


Access message


Ms. Cox and Mr. Jackson,

Per my email, attached are additional documents responsive to the subpoena.

Thanks,  
Kelcey

Secured by **Kiteworks**

 Attachments expire on May 31, 2021

 **1 compressed file**  
Bryson 5.1 Production(2).zip

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**Archived:** Thursday, December 16, 2021 10:22:33 PM

**From:** [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)

**Mail received time:** Sun, 2 May 2021 12:57:12

**Sent:** Sun, 2 May 2021 16:57:09

**To:** [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)

**Cc:** [Buffalano, Nicole Williams, Jennifer Mott Murphy, Christopher J.](#)

**Subject:** Amazon, Case No. 29-CA-261755

**Importance:** Normal

**Sensitivity:** None

## Morgan Lewis

kelcey.phillips@morganlewis.com sent you a secure message

Access message

Ms. Cox and Mr. Jackson,

Per my email, please find additional documents responsive to the subpoena B-1-1BUGMIX.

Thanks,  
Kelcey

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 Attachments expire on Jun 01, 2021

 **1 compressed file**  
Bryson 5.2 Production.zip

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**Archived:** Thursday, December 16, 2021 10:23:19 PM

**From:** [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)

**Mail received time:** Mon, 3 May 2021 08:35:35

**Sent:** Mon, 3 May 2021 12:35:32

**To:** [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)

**Cc:** [Buffalano, Nicole Williams, Jennifer Mott Murphy, Christopher J.](#)

**Subject:** Amazon, Case No. 29-CA-261755

**Importance:** Normal

**Sensitivity:** None

## Morgan Lewis

kelcey.phillips@morganlewis.com sent you a secure message

Access message

Ms. Cox and Mr. Jackson,

Per my email, please find additional documents responsive to the subpoena B-1-1BUGMIX.

Thanks,

Kelcey

Secured by **Kiteworks**

 Attachments expire on Jun 02, 2021

 **1 compressed file**  
Bryson 5.3 Production.zip

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Archived: Thursday, December 16, 2021 10:49:20 PM

From: [Buffalano, Nicole](#)

Mail received time: Mon, 3 May 2021 23:23:11

Sent: Mon, 3 May 2021 20:23:09

To: [Cox, Evamaria Frank](#) [Kearl Jackson, Matthew](#)

Cc: [Murphy, Christopher J.](#) [Phillips, Kelcey J.](#) [Rosenblatt, Richard G.](#)

Subject: Privilege Log

Importance: Normal

Sensitivity: None

Attachments:

[Amazon\\_Bryson - Amazon's Second Privilege Log.pdf](#)

---

Ms. Cox and Messrs. Kearl and Matthew,

Attached is the revised privilege log.

Thank you,

**Nicole Buffalano**

**Morgan, Lewis & Bockius LLP**

300 South Grand Avenue, Twenty-Second Floor | Los Angeles, CA 90071-3132

Direct: +1.213.612.7443 | Main: +1.213.612.2500 | Fax: +1.213.612.2501 | Mobile: +1.240.350.8208

[nicole.buffalano@morganlewis.com](mailto:nicole.buffalano@morganlewis.com) | [www.morganlewis.com](http://www.morganlewis.com)

Assistant: Lois J. Han | +1.213.612.7407 | [lois.han@morganlewis.com](mailto:lois.han@morganlewis.com)



**Archived:** Thursday, December 16, 2021 10:24:47 PM

**From:** [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)

**Mail received time:** Tue, 4 May 2021 09:12:06

**Sent:** Tue, 4 May 2021 13:12:03

**To:** [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)

**Cc:** [Buffalano, Nicole Williams, Jennifer Mott Murphy, Christopher J.](#)

**Subject:** Amazon, Case No. 29-CA-261755

**Importance:** Normal

**Sensitivity:** None

## Morgan Lewis

kelcey.phillips@morganlewis.com sent you a secure message

[Access message](#)

Ms. Cox and Mr. Jackson,

Per my email, please find additional documents responsive to the subpoena B-1-1BUGMIX.

Thanks,

Kelcey

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 Attachments expire on Jun 03, 2021



1 compressed file

Bryson 5.4 Production.zip

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**Archived:** Thursday, December 16, 2021 10:25:37 PM

**From:** [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)

**Mail received time:** Wed, 5 May 2021 07:42:38

**Sent:** Wed, 5 May 2021 11:42:35

**To:** [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)

**Cc:** [Buffalano, Nicole Williams, Jennifer Mott Murphy, Christopher J.](#)

**Subject:** Amazon Case No. 29-CA-261755

**Importance:** Normal

**Sensitivity:** None

## Morgan Lewis

kelcey.phillips@morganlewis.com sent you a secure message

[Access message](#)


Ms. Cox and Mr. Jackson,


Per my email, please find documents responsive to the subpoena B-1-1CBQM1N.

Thanks,

Kelcey

Secured by **Kiteworks**

 Attachments expire on Jun 04, 2021

 **1 compressed file**  
Bryson 5.5 Production.zip

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**Archived:** Thursday, December 16, 2021 10:26:16 PM

**From:** [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)

**Mail received time:** Fri, 7 May 2021 11:14:24

**Sent:** Fri, 7 May 2021 15:14:20

**To:** [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)

**Cc:** [Buffalano, Nicole Williams, Jennifer Mott Murphy, Christopher J.](#)

**Subject:** Amazon Case No. 29-CA-261755

**Importance:** Normal

**Sensitivity:** None

## Morgan Lewis

kelcey.phillips@morganlewis.com sent you a secure message

Access message

Ms. Cox and Mr. Jackson,

Per my email, please find additional documents responsive to subpoena B-1-1BUGMIX and subpoena B-1-1CBQM1N.

Thanks,

Kelcey

Secured by **Kiteworks**

 Attachments expire on Jun 06, 2021



1 compressed file

Bryson 5.7 Production.zip

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**Archived:** Thursday, December 16, 2021 10:26:49 PM

**From:** [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)

**Mail received time:** Sat, 8 May 2021 19:52:56

**Sent:** Sat, 8 May 2021 23:52:52

**To:** [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)

**Cc:** [Buffalano, Nicole Williams, Jennifer Mott Murphy, Christopher J.](#)

**Subject:** Amazon Case No. 29-CA-261755

**Importance:** Normal

**Sensitivity:** None

## Morgan Lewis

kelcey.phillips@morganlewis.com sent you a secure message


[Access message](#)

Ms. Cox and Mr. Jackson,

Per my email, please find additional documents responsive to subpoena B-1-1BUGMIX and subpoena B-1-1CBQM1N.

Thanks,  
Kelcey

Secured by **Kiteworks**

 Attachments expire on Jun 07, 2021

 **1 compressed file**  
Bryson 5.8 Production.zip

This message requires that you sign in to access the message and any file attachments.

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**Archived:** Thursday, December 16, 2021 10:27:18 PM

**From:** [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)

**Mail received time:** Sun, 9 May 2021 17:17:14

**Sent:** Sun, 9 May 2021 21:17:06

**To:** [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)

**Cc:** [Buffalano, Nicole Williams, Jennifer Mott Murphy, Christopher J.](#)

**Subject:** Amazon Case No. 29-CA-261755

**Importance:** Normal

**Sensitivity:** None

## Morgan Lewis

kelcey.phillips@morganlewis.com sent you a secure message

Access message


Ms. Cox and Mr. Jackson,

Per my email, please find additional documents responsive to subpoena B-1-1BUGMIX and subpoena B-1-1CBQM1N.

Thanks,

Kelcey

Secured by **Kiteworks**

 Attachments expire on Jun 08, 2021

 **1 compressed file**  
Bryson 5.9 Production.zip

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Archived: Thursday, December 16, 2021 10:28:36 PM

From: [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)

Mail received time: Wed, 12 May 2021 16:10:10

Sent: Wed, 12 May 2021 20:10:07

To: [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)

Cc: [Buffalano, Nicole Williams, Jennifer Mott Murphy, Christopher J.](#)

Subject: Amazon Case No. 29-CA-261755

Importance: Normal

Sensitivity: None

## Morgan Lewis

kelcey.phillips@morganlewis.com sent you a secure message

Access message

Ms. Cox and Mr. Jackson,

Per my email, please find additional documents responsive to subpoena B-1-1BUGMIX.

Thanks,  
Kelcey

Secured by **Kiteworks**

 Attachments expire on Jun 11, 2021

 **1 compressed file**  
Bryson 5.12 Production.zip

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Archived: Thursday, December 16, 2021 10:28:45 PM

From: [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)

Mail received time: Wed, 12 May 2021 17:09:09

Sent: Wed, 12 May 2021 21:09:05

To: [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)

Cc: [Buffalano, Nicole Williams, Jennifer Mott Murphy, Christopher J.](#)

Subject: Amazon Case No. 29-CA-261755

Importance: Normal

Sensitivity: None

## Morgan Lewis

kelcey.phillips@morganlewis.com sent you a secure message

[Access message](#)

Ms. Cox and Mr. Jackson,


Per my email, please find additional documents responsive to subpoena B-1-1BUGMIX.

Thanks,

Kelcey

Secured by **Kiteworks**

 Attachments expire on Jun 11, 2021

 **1 compressed file**  
Bryson 5.12 Production (2).zip

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Archived: Thursday, December 16, 2021 10:28:53 PM

From: [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)

Mail received time: Wed, 12 May 2021 21:19:46

Sent: Thu, 13 May 2021 01:19:43

To: [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)

Cc: [Buffalano, Nicole Williams, Jennifer Mott Murphy, Christopher J.](#)

Subject: Amazon Case No. 29-CA-261755

Importance: Normal

Sensitivity: None

## Morgan Lewis

kelcey.phillips@morganlewis.com sent you a secure message

Access message

Ms. Cox and Mr. Jackson,

Per my email, please find additional documents responsive to subpoena B-1-1CBQM1N.

Thanks,

Kelcey

Secured by **Kiteworks**

 Attachments expire on Jun 12, 2021



1 compressed file

Bryson 5.12 Production (3).zip

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Archived: Thursday, December 16, 2021 10:29:55 PM

From: [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)

Mail received time: Thu, 13 May 2021 10:16:03

Sent: Thu, 13 May 2021 14:16:00

To: [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)

Cc: [Buffalano, Nicole Williams, Jennifer Mott Murphy, Christopher J.](#)

Subject: Amazon Case No. 29-CA-261755

Importance: Normal

Sensitivity: None

## Morgan Lewis

kelcey.phillips@morganlewis.com sent you a secure message


Access message

Ms. Cox and Mr. Jackson,

Please find previously produced disciplinary spreadsheets in unredacted form.

Thanks,  
Kelcey

Secured by **Kiteworks**

 Attachments expire on Jun 12, 2021

 **1 compressed file**  
Bryson 5.13 Production.zip

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Archived: Thursday, December 16, 2021 10:30:36 PM

From: [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)

Mail received time: Fri, 14 May 2021 11:15:02

Sent: Fri, 14 May 2021 15:14:59

To: [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)

Cc: [Buffalano, Nicole Williams, Jennifer Mott Murphy, Christopher J.](#)

Subject: Amazon Case No. 29-CA-261755

Importance: Normal

Sensitivity: None

## Morgan Lewis

kelcey.phillips@morganlewis.com sent you a secure message

Access message

Ms. Cox and Mr. Jackson,

Per my email, please find additional documents responsive to subpoena B-1-1CBQM1N.

Thanks,

Kelcey

Secured by **Kiteworks**

 Attachments expire on Jun 13, 2021



1 compressed file

Bryson 5.14 Production.zip

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Archived: Thursday, December 16, 2021 10:32:38 PM

From: [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)

Mail received time: Fri, 21 May 2021 00:42:17

Sent: Fri, 21 May 2021 04:42:15

To: [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov)

Cc: [Buffalano, Nicole Williams, Jennifer Mott Murphy, Christopher J.](#)

Subject: Amazon, Case No. 29-CA-261755

Importance: Normal

Sensitivity: None

## Morgan Lewis

kelcey.phillips@morganlewis.com sent you a secure message

Access message


Ms. Cox and Mr. Jackson,

Per my email, please find additional documents responsive to subpoena B-1-1BUGMIX, subpoena B-1-1CBQM1N and Charging Party's subpoena B-1-1C9GVF7.

Thanks,

Kelcey

Secured by **Kiteworks**

 Attachments expire on Jun 20, 2021



1 compressed file

Bryson 5.20 Production (1).zip

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**From:** Phillips, Kelcey J.  
**Sent:** Monday, June 7, 2021 12:50 PM  
**To:** 'Cox, Evamaria'; Jackson, Matthew; Frank Kearn  
**Cc:** Rosenblatt, Richard G.; Murphy, Christopher J.; Buffalano, Nicole; Williams, Jennifer Mott  
**Subject:** RE: Amazon Case No. 29-CA-261755  
**Attachments:** AMZ-BRY008753 - AMZ-BRY008759.one; Amazon\_Bryson - Fourth Privilege Log.pdf

Counsel,

Attached please find the produced document AMZ-BRY008753-AMZ-BRY008759 in native format, as requested below.

We have also attached an updated privilege log.

Thanks,

**Kelcey J. Phillips\***

**Morgan, Lewis & Bockius LLP**

1111 Pennsylvania Avenue, NW | Washington, DC 20004-2541

Direct: +1.202.739.5455 | Main: +1.202.739.3000 | Fax: +1.202.739.3001 | Mobile: +1.323.376.3589

kelcey.phillips@morganlewis.com | www.morganlewis.com

Assistant: Denise Ann Soo Hoo | +1.202.373.6616 | denise.soofoo@morganlewis.com

\*Admitted in California only; Practice supervised by DC Bar members



---

**From:** Cox, Evamaria <Evamaria.Cox@nlrb.gov>

**Sent:** Thursday, May 27, 2021 9:44 AM

**To:** Phillips, Kelcey J. <kelcey.phillips@morganlewis.com>; Jackson, Matthew <Matthew.Jackson@nlrb.gov>; Frank Kearn <frank.kearl@maketheroadny.org>

**Cc:** Rosenblatt, Richard G. <richard.rosenblatt@morganlewis.com>; Murphy, Christopher J.

<christopher.murphy@morganlewis.com>; Buffalano, Nicole <nicole.buffalano@morganlewis.com>; Williams, Jennifer

Mott <jennifer.williams@morganlewis.com>; Lipin, Nancy <Nancy.Lipin@nlrb.gov>; Reibstein, Nancy K.

<Nancy.Reibstein@nlrb.gov>

**Subject:** RE: Amazon Case No. 29-CA-261755

[EXTERNAL EMAIL]

Ms. Phillips,

Please produce this document in native format.

Thank you,

Evamaria Cox

---

**From:** Phillips, Kelcey J. <kelcey.phillips@morganlewis.com>

**Sent:** Thursday, May 27, 2021 9:41 AM

**To:** Cox, Evamaria <Evamaria.Cox@nlrb.gov>; Jackson, Matthew <Matthew.Jackson@nlrb.gov>; Frank Kearn

<frank.kearl@maketheroadny.org>

**Cc:** Rosenblatt, Richard G. <richard.rosenblatt@morganlewis.com>; CHRISTOPHER.MURPHY@MORGANLEWIS.COM; nicole.buffalano@morganlewis.com; Williams, Jennifer Mott <jennifer.williams@morganlewis.com>

**Subject:** Amazon Case No. 29-CA-261755

Counsel,

Please find attached an additional document for production, AMZ-BRY008753 – AMZ-BRY008759.

Thanks,

**Kelcey J. Phillips\***

**Morgan, Lewis & Bockius LLP**

1111 Pennsylvania Avenue, NW | Washington, DC 20004-2541

Direct: +1.202.739.5455 | Main: +1.202.739.3000 | Fax: +1.202.739.3001 | Mobile: +1.323.376.3589

kelcey.phillips@morganlewis.com | www.morganlewis.com

Assistant: Denise Ann Soo Hoo | +1.202.373.6616 | denise.soo@schoon.com

\*Admitted in California only; Practice supervised by DC Bar members



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Archived: Thursday, December 16, 2021 10:35:15 PM

From: [kelcey.phillips@morganlewis.com](mailto:kelcey.phillips@morganlewis.com)

Mail received time: Thu, 2 Dec 2021 18:54:25

Sent: Thu, 2 Dec 2021 23:54:19

To: [evamaria.cox@nlrb.gov](mailto:evamaria.cox@nlrb.gov) [nancy.reibstein@nlrb.gov](mailto:nancy.reibstein@nlrb.gov) [matthew.jackson@nlrb.gov](mailto:matthew.jackson@nlrb.gov) [frank.kearl@maketheroadny.org](mailto:frank.kearl@maketheroadny.org)

Cc: [Buffalano, Nicole Williams, Jennifer Mott Murphy, Christopher J. Rosenblatt, Richard G.](#)

Subject: Amazon, Case No. 29-CA-261755

Importance: Normal

Sensitivity: None

## Morgan Lewis

kelcey.phillips@morganlewis.com sent you a secure message


Access message

Counsel,

Per my email, please find documents responsive to the Counsel for the General Counsel's and Charging Party's subpoenas.

Thanks,  
Kelcey

Secured by **Kiteworks**

 Attachments expire on Jan 01, 2022

 1 compressed file  
Bryson 12.2 Production.zip

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**From:** Phillips, Kelcey J.  
**Sent:** Monday, December 13, 2021 4:29 PM  
**To:** Cox, Evamaria; Reibstein, Nancy K.; Frank Kearl; Jackson, Matthew  
**Cc:** Murphy, Christopher J.; Buffalano, Nicole; Rosenblatt, Richard G.; Williams, Jennifer Mott  
**Subject:** Amazon, Case No. 29-CA-261755 - Fifth Privilege Log  
**Attachments:** Amazon\_Bryson - Fifth Privilege Log.pdf

Counsel,

Attached please find Respondent's Fifth Privilege Log.

Thanks,

**Kelcey J. Phillips\***

**Morgan, Lewis & Bockius LLP**

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\*Admitted in California only; Practice supervised by DC Bar members

